THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.882 OF 2000

ORAL ORDER:

This writ petition is filed by the Andhra Pradesh State Road Transport Corporation questioning the order dated 11.3.1999 made by the State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad in A.P.No.516 of 1997 wherein the order dated 11.3.1997 passed by the Regional Transport Authority, East Godavari District, Kakinada was set aside.

The facts, in brief, are as under:

The 3rd respondent herein applied for grant of a town service permit on the route from Tuni Anjaneya Swamy Temple to Ethatam via Tuni Marketing Yard, B. Annavaram and Paltheru, which is of a distance of 9.2. kms. The said request was rejected by the Regional Transport Authority by order dated 11.3.1997 on the grounds that it is more of a mofussil nature and also that it is prohibited by the scheme under G.O.Ms.No.682 dated 2.11.1987. Aggrieved by the same, the 3rd respondent preferred an appeal being A.P.No.516 of 1997 before the 1st respondent. Along with the said appeal, the 3rd respondent also sought modification of the route as Tuni Anjaneya Swamy Temple to Paltheru, which is of a distance of 5.2. kilometers. The 1st respondent having allowed the said modification sought by the 3rd respondent set aside the order of the Regional Transport Authority dated 11.3.1997 and, accordingly, allowed the appeal. Challenging the same, this writ petition is filed by the A.P. State Road Transport Corporation.

I have heard the learned standing counsel appearing for the petitioners as well as the learned Government Pleader for Transport, appearing for the respondents 1 and 2.

Despite notice, the 3rd respondent did not choose to appear.

When an identical question has been raised in W.P.Nos.25570 and 25578 of 1999, this Court by order dated 2.1.2003 held that the application for modification made under Section 72(1) of the Motor Vehicles Act, 1988, cannot be automatically entertained and accepted by the State Transport Appellate Tribunal, though the Tribunal has ample power to direct modification of the route, provided the route in respect of which modification is sought was originally applied for.

In the case on hand, since no such modification was sought before the original authority, who is the 2nd respondent, as rightly contended by the learned standing counsel appearing for the petitioner-Corporation, the 1st respondent-Appellate Tribunal has committed an error in entertaining and ordering modification application as sought by the 3rd respondent.

Accordingly, following the order in W.P.Nos.25570 and 25578 of 1999 dated 2.1.2003, the writ petition is allowed and the order passed by the 1st respondent dated 11.3.1999 as well as the order passed by the 2nd respondent dated 11.3.1997 are hereby set aside. The 2nd respondent is accordingly directed to consider the request of the 3rd respondent afresh after hearing both the parties and pass appropriate orders in accordance with law. No costs.

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(G. ROHINI, J.)

9th October, 2006.
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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.882 OF 2000

9th October, 2006.

Between:

A.P. State Road Transport Corporation,
Mushirabad, Hyderabad, represented by its
Managing Director and another. .. Petitioners.

And

State Transport Appellate Tribunal,
A.P., Hyderabad, represented by its
Presiding Officer and others. .. Respondents.